

ASSEMBLY BILL

No. 1356

Introduced by Assembly Member Bloom

February 22, 2013

An act to amend Section 412.20 of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as introduced, Bloom. Summons.

Existing law requires that a summons for a civil action be directed to the defendant, signed by the clerk, and issued under the seal of the court in which the action is pending, and that it contain specified information, instructions, and admonishments regarding the action.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 412.20 of the Code of Civil Procedure
- 2 is amended to read:
- 3 412.20. (a) Except as otherwise required by statute, a summons
- 4 shall be directed to the defendant, signed by the clerk, and issued
- 5 under the seal of the court in which the action is pending, and it
- 6 shall contain *all of the following*:
- 7 (1) The title of the court in which the action is pending.
- 8 (2) The names of the parties to the action.

1 (3) A direction that the defendant file with the court a written
2 pleading in response to the complaint within 30 days after summons
3 is served on him or her.

4 (4) A notice that, unless the defendant so responds, his or her
5 default will be entered upon application by the plaintiff, and the
6 plaintiff may apply to the court for the relief demanded in the
7 complaint, which could result in garnishment of wages, taking of
8 money or property, or other relief.

9 (5) The following statement in boldface type: “You may seek
10 the advice of an attorney in any matter connected with the
11 complaint or this summons. Such attorney should be consulted
12 promptly so that your pleading may be filed or entered within the
13 time required by this summons.”

14 (6) The following introductory legend at the top of the summons
15 above all other matter, in boldface type, in English and Spanish:

16 “Notice! You have been sued. The court may decide against
17 you without your being heard unless you respond within 30 days.
18 Read information below.”

19 (b) Each county may, by ordinance, require that the legend
20 contained in paragraph (6) of subdivision (a) be set forth in every
21 summons issued out of the courts of that county in any additional
22 foreign language, if the legend in the additional foreign language
23 is set forth in the summons in the same manner as required in that
24 paragraph.

25 (c) A summons in a form approved by the Judicial Council ~~is~~
26 ~~deemed to comply~~ *complies* with this section.